

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-463-E - ORDER NO. 2009-82
FEBRUARY 17, 2009

IN RE: Lynn Yantz,)	ORDER GRANTING
)	MOTION TO DISMISS
Complainant/Petitioner)	COMPLAINT
)	
v.)	
)	
Duke Energy Carolinas, LLC,)	
)	
Defendant/Respondent)	

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the Motion of Duke Energy Carolinas, LLC (“Duke Energy”) to dismiss the above-referenced Complaint of Lynn Yantz (“Yantz”).

Yantz commenced this docket by filing a complaint letter with the Commission on December 30, 2008, against Duke Energy. The Commission’s Docketing Department issued and served a Notice on January 7, 2009, informing Duke Energy of the complaint by Yantz and the time in which to file an answer to the complaint pursuant to 26 S.C. Code Ann. Regs. 103-826 and 103-830. Duke Energy timely filed with the Commission on January 20, 2009, and served on Yantz¹ its verified Answer to the Complaint and simultaneously moved for dismissal on numerous grounds.

Pursuant to 26 S. C. Code Ann. Regs. 103-829 (2008), responses to motions are due within ten (10) days after service of such motions. To date, Yantz has not filed any

¹ Duke Energy certified that its Verified Answer and Motion to Dismiss was served on Lynn Yantz by first class United States mail on January 19, 2009.

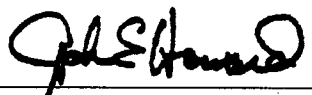
response to the motion of Duke Energy. As such, we find it gratuitous to address the grounds for dismissal asserted by Duke Energy and hereby deem the motion unopposed. As Yantz has had ample opportunity to file a response to the Motion to Dismiss, but has failed to do so, the Commission grants the relief sought. Accordingly, the Complaint of Lynn Yantz against Duke Energy Carolinas, LLC is hereby dismissed.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:



John E. Howard, Vice Chairman

(SEAL)